



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

LCC:tj

Docket No: 3188-99

24 August 1999

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 August 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CMC memorandum 4050.1M LFT-3-CMS of 5 August 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
2 NAVY ANNEX
WASHINGTON, DC 20380-1775

IN REPLY REFER TO:

4050.1M
LFT-3-CMS
05 AUG 1999

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS

Subj: PETITION OF ~~REDACTED~~


Ref: (a) Joint Federal Travel Regulations

1. ~~REDACTED~~ formed a Do-It-Yourself (DITY) move from Camp Lejeune, North Carolina to Ridgewood, New York upon separation from the Marine Corps. He received an advance operating allowance based on his estimate of 5000 pounds but only moved 1520 pounds and therefore incurred excess cost.

2. When a Marine executes a DITY move, he/she is paid 95% of what it would have cost the Government to transport the household goods. The estimated net weight is used to determine the advance operating allowance. The final settlement is computed using the actual weight shipped. Any excess is charged to the member.

3. ~~REDACTED~~ signed a DD Form 2278, Application for DITY Move Counseling Checklist, which specifically states that he would voluntarily consent to collection of any unearned advance operating allowance. His signature indicates that he was aware of the information provided on the form.

4. This Headquarters has determined that the Pay Adjustment Authorization is correct as issued, and we are unable to recommend a favorable determination of this case.


F.W. FRANK
By direction